

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, §  
§  
Plaintiff, §  
§  
v. §  
§  
Case No. 14-CR-2783 JB  
THOMAS R. RODELLA, §  
§  
Defendant. §  
§

**DEFENDANT'S RESPONSE TO GOVERNMENT'S OBJECTION AND REQUEST FOR  
A HEARING CONCERNING GARNISHMENT**

Despite the pendency of defendant Rodella's appeal--set for oral argument on September 29--the government seeks to garnish a \$70,032.09 CD held jointly by Rodella and his wife Debbie.<sup>1</sup> Rodella respectfully renews his request for a stay of the fine pending appeal, at least with respect to the CD. The CD secures four required letters of credit for Debbie Rodella's business, Ayuda Bail Bonding. If the CD is seized, the business will likely fail. *See* Declaration of Debbie A. Rodella. To avoid the irrevocable destruction of Ms. Rodella's business, Rodella asks that the Court stay any effort by the government to garnish the CD until his appeal has been decided.

**ARGUMENT**

At the conclusion of the March 9, 2015 hearing on Rodella's motion for bail pending appeal, he moved orally for a stay of the financial portion of the sentence until his appeal is decided. T. 3/9/15 at 58-63. The Court took the motion under advisement. *Id.* at 63. Although

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<sup>1</sup> United States' Objection to Amended Answer of Garnishee and Request for Hearing (Doc. 226) ["G. Objection"].

the Court denied Rodella's motion for bail pending appeal, Doc. 216, it has not, to our knowledge, decided the motion to stay the fine.

In advance of the March 9 hearing, the Rodellas paid the special assessment and restitution in full and paid \$50,000 toward the \$200,000 fine. Following the hearing, Ms. Rodella began receiving monthly payment invoices for \$500, each of which she paid. In addition, the government withheld a joint federal tax refund of \$757 and applied it to the balance due.

On May 28, 2015, the government applied for a writ of garnishment with respect to accounts that the Rodellas hold at Los Alamos National Bank. LANB filed an amended answer to the writ on June 19. Doc. 225. In the amended answer, LANB notes that the \$70,032.09 CD is "pledged as collateral for loans." As the documents attached to Ms. Rodella's declaration demonstrate, the CD secures letters of credit that Ms. Rodella's bail bonding business must maintain. The government now seeks to enforce the judgment against the CD.

The Court should stay the government's effort to garnish the CD pending the outcome of Rodella's appeal. A stay will not harm the government; if the court of appeals affirms Rodella's conviction, the CD will remain available for the government to proceed against. But a stay will avoid the irrevocable and unfair prejudice that will occur to Ms. Rodella if the CD is seized, her business shuts down, and then Rodella's conviction is reversed.

## **CONCLUSION**

For the foregoing reasons, the Court should stay efforts to garnish the \$70,032.09 CD pending the decision on Rodella's appeal.

Respectfully submitted,

*/s/ Robert J. Gorence*

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*/s/ John D. Cline*

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing pleading was emailed to counsel of record by CM/ECF this 24th day of July, 2015.

*/s/ John D. Cline*  
John D. Cline